

KENNETH WINNINGHAM                   §  
v.                   §         CIVIL ACTION NO. 6:08cv54  
UNITED STATES OF AMERICA           §

The Movant Kenneth Winningham filed this motion to vacate or correct his sentence pursuant to 28 U.S.C. §2255. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

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ORDERED that the Government's motion to dismiss in part (docket no. 10) is hereby GRANTED. All of the Movant's grounds for relief except for his claim that counsel failed to file an appeal when requested are hereby DISMISSED with prejudice, with such dismissal having no effect upon the excepted claim.

**So ORDERED and SIGNED this 23rd day of September, 2009.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**